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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,351	07/18/2003	Stephen Palm	P23853	2553

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EXAMINER	
KUMAR, PANKAJ	

ART UNIT	PAPER NUMBER
2631	

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/621,351	PALM, STEPHEN	
	Examiner	Art Unit	
	Pankaj Kumar	2631	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on 4/19/2005.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 7-30 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 7, 8, 9, 13, 14, 17, 18, 19, 20, 21, 25, 26, 29, 30 is/are rejected.

7)☒ Claim(s) 10-12,15,16,22-24,27 and 28 is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

2. This action is being made final since applicant has new claims which do not have all of the limitations of the original claims. For example, new claims 7 and 8 where are based on original claim 1 do not have the following limitations of the original claim 1: a data transmission in the startup session being suspended after the predetermined data is transmitted. None of the other independent claims have this limitation. Furthermore, there have been additional changes made to the other claims. For example, claim 13 is missing the above limitation as well as "and detects a predetermined period of silence transmission". Claim 14 is missing the original limitations of claim 1 as well as "terminated when the central terminal receives the predetermined data transmitted by the remote terminal".

Information Disclosure Statement

3. Due to the numerous submissions of IDSs where some of them seem to be lacking form PTO 1449 and some of the others seem to be lacking copies of the cited non-patent literature and foreign patent, applicant is advised to call to examiner to clear up IDS matters.

Response to Amendment

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 7, 8, 9, 13, 14, 17, 18, 19, 20, 21, 25, 26, 29, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roark 6,226,280. Here is how the reference teaches the claims:

6. As per claims 7, 8, 9: transmitting certain data (Roark fig. 4: data after 52 is transmitted) when the remote terminal completes a transmission of a mode select message (Roark fig. 4: 52; fig. 5c: 282), an acknowledge (ACK) message being transmitted by the central terminal (Roark fig. 4: 54; fig. 5c: 288) upon reception of the mode select message (Roark fig. 4: 52; fig. 5c: 282) transmitted by the remote terminal (Roark fig. 4: base system); receiving the ACK message transmitted by the central terminal (Roark fig. 4: base system receives 54 sent by fig. 5c 288); and transmitting predetermined data upon reception of the ACK message transmitted by the central terminal (Roark fig. 4: 56 is transmitted after 54 is received; fig. 5b 244 yes after fig. 5c 288), wherein the data transmission in the startup session is terminated (Roark fig. 5b: 270) when the central terminal at least receives the predetermined data transmitted by the remote terminal (Roark fig. 5B: 256 receives fig. 4 56 which is the yes in fig. 5b 244; fig. 4 remote receives 56 which was transmitted by the base system) and detects a predetermined period of silence transmission (Roark fig. 5B: 258 no) (also see col. 7 line 43 to col.9 line 58).

7. What Roark does not teach is the certain data transmitted by the remote terminal comprising a hex "7E" character, single GALF octet (which by applicant's specification on page 6 is 81), or hex "81" character. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have certain data transmitted by the remote terminal comprising a hex "7E" character, single GALF octet (which by applicant's specification on page 6 is 81), or hex "81" character because applicant has not disclosed that this feature provides an advantage, is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected applicant's invention to perform equally well with transmitting a different character because such a transmission would require the same resources. Therefore, it would have been obvious to one skilled in the art at the time of the invention to modify Roark to obtain the invention as specified in this claim.

8. What Roark does not teach is that the base system is remote and CPE is central. It is common knowledge that communication systems can be relocated and still operate. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to relocate the base at a remote location and relocate the CPE (customer premises equipment) at the central location because applicant has not disclosed that this feature provides an advantage, is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected applicant's invention to perform equally well with relocating the base at a remote location and relocating the CPE at the central location because customers at a central location are easier to access for maintenance than if they are scattered at remote locations. Therefore, It would have been obvious to one skilled in the art at the time of the invention to modify Roark to obtain the invention as specified in this claim.

9. What Roark does not teach is that one terminal both receives predetermined data and also detects predetermined period of silence. What Roark teaches is that one terminal receives predetermined data and another terminal detects predetermined period of silence (Roark fig. 5B: 258 no). What Roark also teaches is that one terminal both sends predetermined data and also detects predetermined period of silence. It would have been obvious to one skilled in the art at the time of the invention to modify Roark to teach that one terminal both receives predetermined data and also detects predetermined period of silence because applicant has not disclosed that this feature provides an advantage, is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, would have expected applicant's invention to perform equally well with one terminal receiving predetermined data and another terminal detecting predetermined period of silence or with one terminal both sending predetermined data and also detecting predetermined period of silence.

10. Claim 13 is discussed above such as with respect to claim 7. Claim 7 has "central terminal at least receives the predetermined data transmitted by the remote terminal". Claim 13 does not have the recitation "at least" but has the rest of this line. Since the reference teaches "central terminal at least receives the predetermined data transmitted by the remote terminal", the reference also teaches "central terminal receives the predetermined data transmitted by the remote terminal".

11. Claim 14 is discussed above such as with respect to claim 7.

12. Claims 17 and 18 are discussed above such as with respect to claim 8

13. As per claims 19, 20, 21: transmitting certain data (Roark fig. 4: data after 52 is transmitted) when the remote terminal completes a transmission of a mode select message (Roark fig. 4: 52; fig. 5c: 282), an acknowledge (ACK) message being transmitted by the central terminal (Roark fig. 4: 54; fig. 5c: 288) upon reception of the mode select message (Roark fig. 4: 52; fig. 5c: 282) transmitted by the remote terminal (Roark fig. 4: base system); receiving the ACK message transmitted by the central terminal (Roark fig. 4: base system receives 54 sent by fig. 5c 288); transmitting predetermined data upon reception of the ACK message transmitted by the remote terminal (Roark fig. 4: 56 is transmitted after 54 is received; fig. 5b 244 yes after fig. 5c 288), wherein the data transmission in the startup session is terminated (Roark fig. 5b: 270) when the remote terminal at least receives the predetermined data transmitted by the central terminal (Roark fig. 5B: 256 receives fig. 4 56 which is the yes in fig. 5b 244; fig. 4 remote receives 56 which was transmitted by the base system) and detects a predetermined period of silence transmission (Roark fig. 5B: 258 no) (also see col. 7 line 43 to col.9 line 58).

14. What Roark does not teach is the certain data transmitted by the remote terminal comprising a hex "7E" character, single GALF octet (which by applicant's specification on page 6 is 81), or hex "81" character. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have certain data transmitted by the remote terminal comprising a hex "7E" character, single GALF octet (which by applicant's specification on page 6 is 81), or hex "81" character because applicant has not disclosed that this feature provides an advantage, is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected applicant's invention to perform equally well with transmitting a different character because such a transmission would require the same resources.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to modify Roark to obtain the invention as specified in this claim.

15. What Roark does not teach is that the base system is central and CPE is remote. It is common knowledge that communication systems can be relocated and still operate. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to relocate the base at a central location and relocate the CPE (customer premises equipment) at the remote location because applicant has not disclosed that this feature provides an advantage, is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected applicant's invention to perform equally well with relocating the base at a central location and relocating the CPE at the remote location because signals from base at a central location will reach more customers than if the base is at a remote location. Therefore, It would have been obvious to one skilled in the art at the time of the invention to modify Roark to obtain the invention as specified in this claim.

16. What Roark does not teach is that one terminal (remote) both receives predetermined data and also detects predetermined period of silence. What Roark teaches is that one terminal receives predetermined data and another terminal detects predetermined period of silence (Roark fig. 5B: 258 no). What Roark teaches is that one terminal both sends predetermined data and also detects predetermined period of silence. It would have been obvious to one skilled in the art at the time of the invention to modify Roark to teach that one terminal both receives predetermined data and also detects predetermined period of silence because applicant has not disclosed that this feature provides an advantage, is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, would have expected applicant's invention to

perform equally well with one terminal receiving predetermined data and another terminal detecting predetermined period of silence or with one terminal both sending predetermined data and also detecting predetermined period of silence.

17. What Roark does not teach is that one terminal both receives predetermined data and also detects predetermined period of silence. What Roark teaches is that one terminal receives predetermined data and another terminal detects predetermined period of silence (Roark fig. 5B: 258 no). What Roark also teaches is that one terminal both sends predetermined data and also detects predetermined period of silence. It would have been obvious to one skilled in the art at the time of the invention to modify Roark to teach that one terminal both receives predetermined data and also detects predetermined period of silence because applicant has not disclosed that this feature provides an advantage, is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, would have expected applicant's invention to perform equally well with one terminal receiving predetermined data and another terminal detecting predetermined period of silence or with one terminal both sending predetermined data and also detecting predetermined period of silence.

18. Claim 25 is discussed above such as with respect to claim 19.

19. Claim 19 has "remote terminal at least receives the predetermined data transmitted by the central terminal". Claim 25 does not have the recitation "at least" but has the rest of this line. Since the reference teaches "remote terminal at least receives the predetermined data transmitted by the central terminal", the reference also teaches "remote terminal receives the predetermined data transmitted by the central terminal".

20. Claim 26 is discussed above such as with respect to claim 19.

21. Claims 29 and 30 are discussed above such as with respect to claim 20.

Allowable Subject Matter

22. Claims 10-12, 15-16, 22-24, 27-28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

23. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pankaj Kumar whose telephone number is (571) 272-3011. The examiner can normally be reached on Mon, Tues, Thurs and Fri after 8AM to after 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad H. Ghayour can be reached on (571) 272-3021. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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PK

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